



SPW

Attorney Docket No.: **60188-726**
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Shigeo YOSHII, et al. : Customer No.20277
Serial No.: 10/753,330 : Confirmation No.: 7252
(DIV of SN: 09/895,213) :
Filed: January 9, 2004 : Group Art Unit: 2826
Examiner: JOHANNES P. MONDT
For: SEMICONDUCTOR LIGHT-EMITTING DEVICE AND
APPARATUS FOR DRIVING THE SAME

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed
March 4, 2005, having a shortened statutory period for response set to expire
April 4, 2005, wherein the Examiner required restriction between the
following Groups:

- Group I - Claims 1-10, drawn to a semiconductor light-emitting device; and
- Group II - Claim 11, drawn to an apparatus for driving a semiconductor light-emitting device.

The Examiner further restricted the application into the following distinct *Species*:

- Species 1* - Figures 1-2, previously elected in application SN: 09/985,213, etc.;
- Species 2* - Figures 4-6, drawn to a pnp light emitting device with n-type base as the only light-emitting layer;

- Species 3* - Figure 7, drawn to a npn light emitting device with p-type base as the only light emitting layer; and
- Species 4* - Figure 8 with separate lightly doped semiconductor layer between first and third semiconductor layers.

Applicants elect Group I, claims 2-10, and *Species 2*, with claims 2-7 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated is patentably distinct. Applicants would also like to bring to the attention of the Examiner that claim 1 was canceled upon filing the above-identified Divisional application.

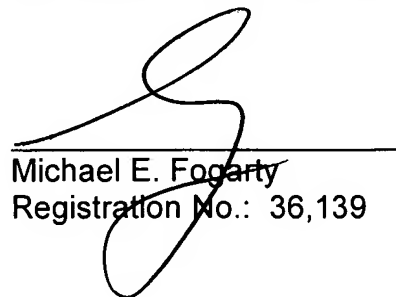
Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 4/4/05

By:


Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087